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In the matter of:

Crossroads Grassroots Policy Strategies

OFFICE OF GENERAL  
COUNSEL  
MUR No. \_\_\_\_\_

COMPLAINT

MUR # 6612

1. Citizens for Responsibility and Ethics in Washington ("CREW") and Melanie Sloan bring this complaint before the Federal Election Commission ("FEC or "Commission") seeking an immediate investigation and enforcement action against Crossroads Grassroots Policy Strategies ("Crossroads GPS") for direct and serious violations of the Federal Election Campaign Act ("FECA").

Complainants

2. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

3. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal office and publicizes those who violate federal campaign finance laws through its website, press releases and other methods

of distribution. CREW also files complaints with the FEC when it discovers violations of the FECA. Publicizing campaign finance violators and filing complaints with the FEC serves CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

4. In order to assess whether an individual or regulated entity is complying with federal campaign finance law, CREW needs the information contained in independent expenditure disclosure reports that must be filed pursuant to the FECA, 2 U.S.C. §§ 434(c), (g); 11 C.F.R. § 109.10(b)-(d). CREW is hindered in its programmatic activity when an individual or regulated entity fails to disclose campaign finance information in reports required by the FECA.

5. CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated disclosure reports are the only source of information CREW can use to determine if an individual or entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all disclosure reports required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

6. Complainant Melanie Sloan is the executive director of Citizens for Responsibility and Ethics in Washington, a citizen of the United States, and a registered voter and resident of the District of Columbia. As a registered voter, Ms. Sloan is entitled to receive information contained in disclosure reports required by the FECA, 2 U.S.C. § 434; 11 C.F.R. § 104.1. Ms. Sloan is harmed when an individual, candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA. *See FEC v.*

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*Akins*, 524 U.S. 11, 19 (1998), *quoting Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support). Ms. Sloan is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting its ability to review campaign finance information.

7. Complainant Robin Powers is the deputy director of Citizens for Responsibility and Ethics in Washington, a citizen of the United States, and a registered voter and resident of the Commonwealth of Virginia. As a registered voter, Ms. Powers is entitled to receive information contained in disclosure reports required by the FECA, 2 U.S.C. § 434; 11 C.F.R. § 104.1. Ms. Powers is harmed when an individual, candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA, denying her information that would assist her in making an informed choice among candidates. *See FEC v. Akins*, 524 U.S. 11, 19 (1998), *quoting Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support); *CREW v. FEC*, 475 F3d 337, 340 (D.C. Cir. 2007). Ms. Powers is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting its ability to review campaign finance information.

Respondent

8. Crossroads GPS is a tax-exempt organization established in June 2010, organized under section 501(c)(4) of the Internal Revenue Code, and based in Washington, D.C.

### Factual allegations

9. On June 27, 2012, Crossroads GPS began broadcasting an advertisement attacking Heidi Heitkamp, the Democratic nominee for Senate in North Dakota. *See* Press Release, Crossroads GPS Continues Issue Ads in North Dakota Calling for Action to Repeal ObamaCare, June 27, 2012 (attached as Exhibit A). Crossroads GPS said it spent \$180,000 on air time to broadcast the ad on broadcast and cable networks in North Dakota. *Id.* Crossroads GPS described the ads as “calling for Heidi Heitkamp to fight for the repeal of ObamaCare and support the ‘New Majority Agenda.’” *Id.*

10. The advertisement began by saying “Heidi Heitkamp promised ‘I would never vote to take away a senior’s health care or limit anyone’s care.’” *See* <http://www.youtube.com/watch?v=LTefc15byI&feature=plcp>. The ad continued: “But Heidi endorsed Obamacare, bragging, ‘It actually is a budget-saver.’ Obamacare cuts Medicare spending by \$500 billion, gives unelected bureaucrats the power to restrict seniors’ care, and millions of Americans could actually lose their existing health care.” The ad concluded by urging voters to “Tell Heidi: support the full repeal of Obamacare,” but provided no contact information. The ad ended with the narrator saying, “Support the New Majority Agenda at NewMajorityAgenda.org” while a graphic at bottom of the screen said, “Paid for by Crossroads Grassroots Strategies (GPS).”

11. Crossroads GPS updated the ad on June 29, 2012. The new ad also began by saying “Heidi Heitkamp promised ‘I would never vote to take away a senior’s health care or limit anyone’s care.’” *See* <http://www.youtube.com/watch?v=BZwjPQG7eEg&feature=plcp>. This version continued: “But Heidi endorsed Obamacare, bragging, ‘It actually is a budget-saver.’ But Obamacare raises half a trillion dollars in taxes on Americans, it cuts Medicare spending by \$500

billion, and gives unelected bureaucrats the power to restrict seniors' care." As with the first version, the ad concluded by urging voters to "Tell Heidi: support the full repeal of Obamacare," and again provided no contact information. The ad also ended with the narrator saying, "Support the New Majority Agenda at NewMajorityAgenda.org" while a graphic at bottom of the screen said, "Paid for by Crossroads Grassroots Strategies (GPS)."

12. Ms. Heitkamp last held elected public office in January 2001, when her term as North Dakota's attorney general expired. *See* North Dakota Attorney General website, Former Attorneys General (attached as Exhibit B); Laura Litvan, Comeback Hopefuls MIA For 12 Years Key To Senate Control, *Bloomberg*, April 18, 2012 (attached as Exhibit C).

13. On June 13, 2012, Crossroads GPS began broadcasting a different advertisement attacking Ms. Heitkamp. *See* Press Release, Crossroads GPS Demands Action to Stop Reckless Spending and ObamaCare in Three-State Ad Blitz, June 13, 2012 (attached as Exhibit D). Crossroads GPS said it spent \$2 million to purchase air time to broadcast ads attacking three Democratic Senate candidates, including air time on broadcast and cable networks in North Dakota to broadcast the ad attacking Ms. Heitkamp. *Id.*

14. The advertisement began by stating "Heidi Heitkamp supports Obamacare and predicted 'this bill will change the face of health care.'" *See* [http://www.youtube.com/watch?v=EW3hyhGrT\\_Y&feature=plcp](http://www.youtube.com/watch?v=EW3hyhGrT_Y&feature=plcp). The ad continued: "She's right. Obamacare cuts Medicare spending by \$500 billion, gives unelected bureaucrats the power to restrict seniors' care, and now health care costs and premiums are likely to go up. That's not the change we need." The ad concluded by urging voters to "Tell Heidi: Obamacare is wrong for North Dakota," but provided no contact information. The ad ended with the narrator saying, "Support the New Majority

Agenda at NewMajorityAgenda.org” while a graphic at bottom of the screen said, “Paid for by Crossroads Grassroots Strategies (GPS).”

15. On May 18, 2012, Crossroads GPS began broadcasting an advertisement attacking Bob Kerrey, the Democratic nominee for Senate in Nebraska. See Press Release, Crossroads GPS Launches New TV Ad on Bob Kerrey’s Support for the Wall Street Bailout, May 18, 2012 (attached as Exhibit E). According to Crossroads GPS, the ad was broadcast statewide in Nebraska at a cost of \$260,000.

16. The advertisement began by saying Mr. Kerrey “supported the Wall Street Bailout while serving on the board of a company that tried to exploit it,” and that “Kerrey’s company used a bureaucratic ploy to get bailout funds, but the ploy failed.” See <http://www.youtube.com/watch?v=ow5dQMYaq0Q&feature=plcp>. The ad then said “these schemes were called a ‘disturbing trend’ by a an independent watchdog, violating the spirit of the law to jump on the gravy train. For ‘Bailout Bob Kerrey’ it’s Wall Street ways, not Nebraska values.” The ad concluded with a graphic urging voters to “Tell Bailout Bob Kerrey . . . Support Balanced Budgets, Not Bailouts,” and listed the phone number of Mr. Kerrey’s campaign. As the ad ended, a graphic at bottom of the screen said, “Paid for by Crossroads Grassroots Strategies (GPS).”

17. Mr. Kerrey last held elected public office in January 2001, when his term as U.S. Senator expired. See Democratic Candidate Bob Kerrey For US Senate, *Associated Press*, May 2, 2012 (attached as Exhibit F).

18. On July 10, 2012, Crossroads GPS began broadcasting an advertisement attacking Tim Kaine, the Democratic nominee for Senate in Virginia. See Press Release, Crossroads GPS

Launches Three-State Issue Advocacy Push, July 10, 2012 (attached as Exhibit G). Crossroads GPS said it spent \$2.5 million to purchase air time to broadcast ads attacking three Democratic Senate candidates, including air time on broadcast and cable networks in Virginia to broadcast the ad attacking Mr. Kaine. *Id.* The *Washington Post* reported Crossroads GPS spent \$1.1 million on air time for the one ad against Mr. Kaine. Anita Kumar, Crossroads GPS Targets Tim Kaine In New TV Ad, *Washington Post*, July 10, 2012 (attached as Exhibit H).

19. The advertisement began by saying "Tim Kaine left Virginia for Washington, and was a cheerleader for massive spending. . . . But it actually wasted money studying ants in Africa." See <http://www.youtube.com/watch?v=CXQc0pQgMGY&feature=plcp>. The ad then showed Mr. Kaine saying "this stimulus is critically important," and responded, "Really, how? To upgrade politicians' offices." The ad next showed Mr. Kaine saying, "These are investments that will put people to work right away," and commented, "but it failed miserably." The ad concluded by urging voters to "tell Tim Kaine, for real job growth, stop backing reckless spending." The ad ended with the narrator saying, "Support the New Majority Agenda at NewMajorityAgenda.org" while a graphic at bottom of the screen said, "Paid for by Crossroads Grassroots Strategies (GPS)."

20. Mr. Kaine last held elected public office in January 2010, when his term as governor of Virginia expired. See Chris Cillizza, Tim Kaine Announces For Senate In Virginia, *Washington Post*, April 5, 2011 (attached as Exhibit I). Mr. Kaine also served as chairman of the Democratic National Committee from 2009 through 2011. *Id.*

21. Crossroads GPS has not filed any reports with the FEC regarding any of these advertisements. See Crossroads GPS independent expenditure reports, available at: <http://query.nictusa.com/cgi-bin/fecimg/?C90011719>.

Count I

22. An "independent expenditure" is an expenditure by a person for a communication "expressly advocating the election or defeat of a clearly identified candidate" that is not coordinated with a candidate or a political party. 2 U.S.C. § 431(17); 11 C.F.R. § 100.16(a).

23. The Commission's regulations define "expressly advocating" as any communication that either use phrases such as "Smith for Congress" or "Bill McKay in '94," 11 C.F.R. § 100.22(a), or "[w]hen taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because - (1) The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and (2) Reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other kind of action," 11 C.F.R. § 100.22(b).

24. The FECA requires a person or group that makes independent expenditures aggregating \$10,000 or more in a given election in a calendar year up to the 20th day before the date of an election to file a report describing the expenditure with the Commission within 48 hours. 2 U.S.C. § 434(g)(2)(A). Commission regulations specify that the report must be filed not later than "11:59 p.m. Eastern Standard/Daylight Time on the second day following the date



on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated.” 11 C.F.R. § 109.10(c).

25. The FECA also requires any person or group (other than a political committee) that makes independent expenditures aggregating more than \$250 in a calendar year to file reports identifying certain contributors to the person or group, and information regarding the independent expenditure. 2 U.S.C. § 434(c). Commission regulations specify these reports must be filed quarterly. 11 C.F.R. § 109.10(b).

26. The advertisements Crossroads GPS broadcast against Ms. Heitkamp, Mr. Kerrey, and Mr. Kaine were independent expenditures, but Crossroads GPS failed to report any of them to the Commission.

27. Both versions of the advertisement Crossroads GPS broadcast against Ms. Heitkamp starting on June 27, 2012 urged viewers to “Tell Heidi: support the full repeal of Obamacare.” In addition, Crossroads GPS described the ads as “calling for Heidi Heitkamp to fight for the repeal of ObamaCare.” Ms. Heitkamp, however, has not held public office in more than 11 years, and currently has no role in making public policy. In this context, telling Ms. Heitkamp to support the full repeal of Obamacare can only be construed as telling her what her policies should be if she is elected to the Senate. In addition, the advertisement provided no contact information, demonstrating that the ad’s actual intent was not to encourage viewers to tell Ms. Heitkamp anything. The advertisement’s only reasonable interpretation, therefore, is to encourage actions to defeat Ms. Heitkamp, and its electoral portion is unmistakable, unambiguous, and suggestive of only one meaning.

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28. The advertisement Crossroads GPS broadcast against Ms. Heitkamp starting on June 13, 2012 similarly urged viewers to "Tell Heidi: Obamacare is wrong for North Dakota." Again, Ms. Heitkamp has not held public office in more than 11 years, and currently has no role in making public policy. In this context, telling Ms. Heitkamp Obamacare is wrong for North Dakota can only be construed as telling her what her policies should be if she is elected to the Senate. In addition, the advertisement provided no contact information, demonstrating that the ad's actual intent was not to encourage viewers to tell Ms. Heitkamp anything. The advertisement's only reasonable interpretation, therefore, is to encourage actions to defeat Ms. Heitkamp, and its electoral portion is unmistakable, unambiguous, and suggestive of only one meaning.

29. The advertisement Crossroads GPS broadcast against Mr. Kerrey starting on May 18, 2012 urged viewers to "Tell Bailout Bob Kerrey . . . Support Balanced Budgets, Not Bailouts." Mr. Kerrey has not held public office in more than 11 years, and currently has no role in making public policy. In this context, telling Mr. Kerrey to support balanced budgets, not bailouts, can only be construed as telling him what his policies should be if he is elected to the Senate. In addition, the only contact information the advertisement provided was the phone number of Mr. Kerrey's campaign, demonstrating that the ad was directed toward taking political action. The advertisement's only reasonable interpretation, therefore, is to encourage actions to defeat Mr. Kerrey, and its electoral portion is unmistakable, unambiguous, and suggestive of only one meaning.

30. The advertisement Crossroads GPS broadcast against Mr. Kaine starting on July 10, 2012 urged viewers to "tell Tim Kaine, for real job growth, stop backing reckless spending."

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Mr. Kaine has not held public office in more than two years, and currently has no role in making public policy. In this context, telling Mr. Kaine to stop backing reckless spending can only be construed as telling him what his policies should be if he is elected to the Senate. In addition, the advertisement provided no contact information, demonstrating that the ad's actual intent was not to encourage viewers to tell Mr. Kerrey anything. The advertisement's only reasonable interpretation, therefore, is to encourage actions to defeat Mr. Kerrey, and its electoral portion is unmistakable, unambiguous, and suggestive of only one meaning.

31. On information and belief, Crossroads GPS spent more than \$10,000 in 2012 on each of the elections of Ms. Heitkamp, Mr. Kerrey, and Mr. Kaine for the Senate.

32. By failing to file with the Commission any reports required by the FECA after a person or organization makes an independent expenditure, Crossroads GPS violated 2 U.S.C. § 434 and 11 C.F.R. § 109.10(c).

#### Count II

33. An independent expenditure or electioneering communication in the form of a communication transmitted through television must include a disclaimer. 2 U.S.C. § 441d(d)(2); 11 C.F.R. § 110.11(c)(4). The communication must include the audio statement that "[the person paying for the communication] is responsible for the content of this advertising," conveyed by a representative of the person paying for the communication either in an unobscured, full-screen view of the representative or in a voiceover. 2 U.S.C. § 441d(d)(2); 11 C.F.R. § 110.11(c)(4)(i)-(ii). The communication also must "clearly state the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication, and that the communication is not authorized by any candidate or candidate's committee." 2

U.S.C. § 441d(a)(3); 11 C.F.R. § 110.11(b)(3). The disclaimer must be displayed in a "clearly readable manner." 2 U.S.C. § 441d(d)(2); 11 C.F.R. § 110.11(c)(4)(iii).

34. All of the television advertisements broadcast by Crossroads GPS were independent expenditures, but none of them included either the audio or written disclaimer stating Crossroads GPS was responsible for the content of the advertisements, a statement that the communication was not authorized by any candidate or candidate's committee, or Crossroads GPS's address, phone number, or website. By failing to include the disclaimer, Crossroads GPS violated 2 U.S.C. § 441d(d)(2) and 11 C.F.R. § 110.11(c)(4).

Conclusion

WHEREFORE, Citizens for Responsibility and Ethics in Washington and Melanie Sloan request that the FEC conduct an investigation into these allegations, declare the respondent to have violated the FECA and applicable FEC regulations, impose sanctions appropriate to these violations and take such further action as may be appropriate.

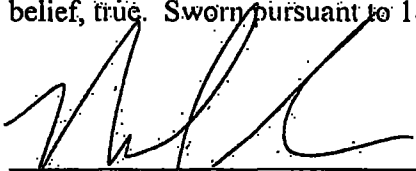
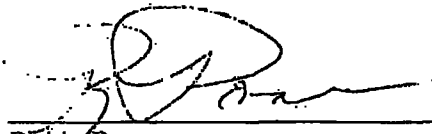


ON BEHALF OF COMPLAINANTS

Melanie Sloan  
Executive Director  
Citizens for Responsibility and Ethics in  
Washington  
1400 Eye St., N.W., Suite 450  
Washington, D.C. 20005  
(202) 408-5565 (phone)  
(202) 588-5020 (fax)

Verification

Citizens for Responsibility and Ethics in Washington, Melanie Sloan, and Robin Powers  
hereby verify that the statements made in the attached Complaint are, upon information and  
belief, true. Sworn pursuant to 18 U.S.C. § 1001.

  
\_\_\_\_\_  
Melanie Sloan  
\_\_\_\_\_  
Robin Powers

Sworn to and subscribed before me this \_\_th day of July, 2012.

  
\_\_\_\_\_  
Notary Public

**Lisa Drew**  
District of Columbia, Notary Public  
My Commission Expires  
July 31, 2014

15044385279

**EXHIBIT A**

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## Crossroads GPS Continues Issue Ads in North Dakota Calling for Action to Repeal ObamaCare

June 27, 2012 By [Crossroads GPS](#)

*Statewide buy on cable and broadcast totals \$180,000; spot urges Heidi Heitkamp to support the New Majority Agenda*

WASHINGTON – Crossroads Grassroots Policy Strategies (Crossroads GPS) today announced a new TV issue ad in North Dakota calling for Heidi Heitkamp to fight for the repeal of ObamaCare and support the “New Majority Agenda.”

The ad, backed by a \$180,000 total buy, started on Wednesday and will run through July 7 on broadcast and cable networks in North Dakota. Titled “Why,” the spot can be viewed [here](#).

**“Heidi Heitkamp should do what’s best for North Dakota and fight for the repeal of ObamaCare,”** said Nate Hodson, Crossroads GPS Director of State and Regional Media Relations. **“Rather than continuing to praise ObamaCare, Heidi Heitkamp should instead be pushing for the law’s repeal and supporting the New Majority Agenda.”**

The ad urges Heitkamp and viewers to support the “New Majority Agenda,” which includes a plank on health care. For more information about the six major policy initiatives detailed in the plan, visit [www.newmajorityagenda.org](http://www.newmajorityagenda.org).

Heidi Heitkamp has long advocated for ObamaCare, which cuts Medicare spending by \$500 billion and gives unelected bureaucrats the power to restrict seniors' care while millions of Americans could lose their existing health care coverage.

###

*Crossroads GPS is a policy and grassroots advocacy organization that is committed to educating, equipping and mobilizing millions of American citizens to take action on the critical economic and legislative issues that will shape our nation's future in the years ahead.*

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Paid for by Crossroads GPS. [www.crossroadsgps.org](http://www.crossroadsgps.org)

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**EXHIBIT B**

North Dakota

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- > Quick Links



Consumer Protection  
1-800-472-2600 within ND only

BCI Tip Line  
1-800-472-2185 within ND only

Concealed Weapons Hotline  
1-855-562-4946 within ND only

[Download Adobe Reader](#)

## Former Attorneys General

(from North Dakota Blue Book)

Originally a two-year term, the office became a four-year term with adoption of a constitutional amendment in June 1964 (Article V, Section 12). As a result of legislative changes, the Attorney General served a one-time two year term beginning in 2005. In 2007 and thereafter the term of office is four years.

• Wayne Stenehjem	R	2001-present
◦ Elected 2000; re-elected 2004; re-elected 2006; re-elected 2010		
• Mary Kathryn "Heidi" Heikamp	D	1993-2000
◦ Elected 1992, 1998; did not seek re-election 2000		
• Nicholas Spaeth	D	1985-1992
◦ Elected 1984, 1988; did not seek re-election 1992		
• Robert Wefald	R	1981-1984
◦ Elected 1980; defeated for re-election 1984		
• Allen I. Olson	R	1973-1980
◦ Elected 1972, 1976; did not seek re-election 1980		
• Helgi Johannesson	R	1963-1972
◦ Elected 1962, 1964, 1968; did not seek re-election 1972		
• Leslie R. Burgum	R	1955-1962
◦ Elected 1954, 1956, 1960; did not seek re-election 1962		
• Paul Benson	R	1954-1954
◦ Appointed May 15, 1954, to fill Elmo T. Christianson's term		
• Elmo T. Christianson	R	1951-1954
◦ Elected 1950, 1952; resigned May 5, 1954		
• Wallace E. Warner	R	1949-1950
◦ Elected 1948; did not seek re-election 1950		
• P.O. Sathre	R	1948-1948
◦ Appointed September 1, 1948, to fill Nels G. Johnson's term		
• Nels G. Johnson	R	1945-1948
◦ Elected 1944, 1948; defeated in June 1948 Republican primary; resigned September 1, 1948		
• Alvin C. Strutz	R	1937-1944
◦ Appointed December 7, 1937, to fill P.O. Sathre's term; elected 1938, 1940; did not seek re-election 1944		
• P.O. Sathre	R	1933-1937
◦ Appointed November 1, 1933, to fill Arthur Gronna's term; elected 1934, 1936; resigned December 6, 1937		
• Arthur J. Gronna	R	1933-1933
◦ Elected 1932; resigned November 1, 1933		
• James Morris	R	1929-1932
◦ Elected 1928, 1930; defeated in June 1932 Republican primary		
• George F. Shafer	R	1923-1928
◦ Elected 1922, 1924, 1926; did not seek re-election 1928		

<ul style="list-style-type: none"><li>• Sveinbjorn Johnson<ul style="list-style-type: none"><li>◦ Elected October 28, 1921; did not seek re-election 1922</li></ul></li></ul>	R	1921-1922
<ul style="list-style-type: none"><li>• William Lembke<ul style="list-style-type: none"><li>◦ Elected 1920; recalled October 28, 1921</li></ul></li></ul>	R	1921-1921
<ul style="list-style-type: none"><li>• William Langer<ul style="list-style-type: none"><li>◦ Elected 1916, 1918; did not seek re-election 1920</li></ul></li></ul>	R	1917-1920
<ul style="list-style-type: none"><li>• Henry Linde<ul style="list-style-type: none"><li>◦ Elected 1914; defeated in June 1916 Republican primary</li></ul></li></ul>	R	1915-1916
<ul style="list-style-type: none"><li>• Andrew Miller<ul style="list-style-type: none"><li>◦ Elected 1908, 1910, 1912; did not seek re-election 1914</li></ul></li></ul>	R	1909-1914
<ul style="list-style-type: none"><li>• Thomas F. McCue<ul style="list-style-type: none"><li>◦ Elected 1906; defeated in June 1908 Republican primary</li></ul></li></ul>	R	1907-1908
<ul style="list-style-type: none"><li>• Carl N. Frich<ul style="list-style-type: none"><li>◦ Elected 1902, 1904; did not seek re-election 1906</li></ul></li></ul>	R	1903-1906
<ul style="list-style-type: none"><li>• Oliver D. Comstock<ul style="list-style-type: none"><li>◦ Elected 1900; defeated for re-nomination in 1902 Republican convention</li></ul></li></ul>	R	1901-1902
<ul style="list-style-type: none"><li>• John F. Cowan<ul style="list-style-type: none"><li>◦ Elected 1894, 1896, 1898; did not seek re-election 1900</li></ul></li></ul>	R	1895-1900
<ul style="list-style-type: none"><li>• William H. Standish<ul style="list-style-type: none"><li>◦ Elected 1892; defeated in November 1894 general election</li></ul></li></ul>	D-I	1893-1894
<ul style="list-style-type: none"><li>• Clarence A.M. Spencer<ul style="list-style-type: none"><li>◦ Elected 1890; did not seek re-election 1892</li></ul></li></ul>	R	1891-1892
<ul style="list-style-type: none"><li>• George F. Goodwin<ul style="list-style-type: none"><li>◦ Elected 1889; defeated for re-nomination in 1890 Republican convention</li></ul></li></ul>	R	1889-1890

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**EXHIBIT C**

# Bloomberg

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## Comeback Hopefuls MIA for 12 Years Key to Senate Control

By Laura Litvan - Apr 18, 2012

Call them been-around-the-block Senate hopefuls.

Four of the most contested U.S. Senate races in 2012 feature a former officeholder who hasn't been on the ballot for a dozen or more years. As majority control of the chamber might come down to a seat or two, the question of whether voters again embrace them -- and which ones -- may be decisive.

The comeback candidates are former Nebraska Senator and Governor Bob Kerrey, former Wisconsin Governor Tommy Thompson, former North Dakota Attorney General Heidi Heitkamp and former Maine Governor Angus King. Though they can tap the benefits of name recognition, they haven't been battle-tested in years. Democrat Kerrey and Republican Thompson, in particular, have reputations as pragmatic centrists and are re-emerging in a polarized election year. Heitkamp is a Democrat and King is independent.

"The world has changed enormously, and these candidates have to show that they get that," said Jennifer Duffy, Senate editor of the nonpartisan Cook Political Report.

A quest to return after a hiatus is atypical, though not unheard of, in Senate elections, said Don Ritchie, associate Senate historian. Most recently, he said, Republican Senator Dan Coats of Indiana returned in 2011 after a decade away from the chamber spent lobbying and serving as U.S. ambassador to Germany. Coats was previously in the Senate from 1989 to 1999.

### 'In the Blood'

"It gets in the blood politically," Ritchie said. "People think they've left it all behind, but then they hear the siren call again."

That doesn't mean it will be easy. Kerrey last ran in 1994 and faces "carpetbagger" criticism in Nebraska after a decade of living in New York City. Thompson, who left the Wisconsin governor's office in 2001, leads polls in the state's Republican primary, though he faces attack ads from conservative groups.

In North Dakota, former attorney general Heitkamp left office in 2001 and is running in a

Republican-leaning state. King, an independent who hasn't been on the ballot since 1998, is the front-runner in polls in Maine and if elected could choose which party leads the Senate if control comes down to one vote.

Republicans currently hold 47 seats in the 100-member Senate and have advantages in trying to gain the majority. Democrats are encumbered by a sluggish economy and hold 23 of the 33 seats on the ballot this year. Also, seven Democratic incumbents are retiring, compared with three Republicans, yielding open seats that pose opportunities for the rival party.

## Shifting Politics

The electoral fate of the veteran candidates will rest on factors including how their past positions play in 2012 and to what degree state politics have shifted. All four states have tilted more Republican and more conservative in recent years.

Kerrey, a former Navy SEAL who served in the Senate from 1989 to 2001, has the toughest battle of the four, said Stu Rothenberg, editor of the nonpartisan Rothenberg Political Report. Kerrey lived in New York City since leaving the Senate, where he was president of the New School, a Greenwich Village institution that touts its progressive and experimental teaching.

After reversing a decision not to run in late February, Kerrey used a friend's guest house in Omaha as the address for his voter registration, then survived a Republican Party challenge to his residency that went to the Nebraska Supreme Court. The matter is a central criticism of his candidacy.

## 'Dramatically Weaker'

"Kerrey is a dramatically weaker candidate than he was a decade ago," Rothenberg said. "Back then he was Bob Kerrey, the guy who didn't fit into the Democratic stereotype. He was young and dashing. Now he's the guy who's lived in New York the last decade that thinks he can just pick up and run back to Nebraska."

While Kerrey was known for bipartisanship in the Senate, some of his past positions might be a tough sell in a state where President Barack Obama received 42 percent of the vote in 2008. Moderate Democrat Ben Nelson decided to retire from the Senate seat rather than face Nebraska voters again. Kerrey has spoken in favor of Obama's health-care overhaul and supports a cap-and-trade system to limit greenhouse-gas emissions.

A Public Policy Polling survey conducted March 22-25 found Kerrey trailing state Attorney General Jon Bruning, his most likely Republican opponent, by 17 percentage points.

## Reputation for Bipartisanship

Kerrey, who declined to be interviewed, is battling against TV ads by Bruning, Americans for Prosperity and others contending he's an opportunistic outsider. He has done little campaigning in the state though has been airing ads that tout his ties to Nebraska and past reputation for bipartisanship.

"We need leaders willing to lead, willing to make the tough decisions, willing to work with both parties," Kerrey said in an ad that aired in Omaha in March. "And I'm ready to do that."

Former Nebraska Senator Chuck Hagel, a Republican, said Kerrey has longevity in Nebraska and a knack for retail politics. Still, said Hagel, who won his seat in 1996 after he had lived 20 years outside the state, it won't be easy for Kerrey.

"He doesn't have the same liability I had," Hagel said. "But he's going to have to work very, very hard to pull this off."

Thompson, who left the Wisconsin governorship in 2001 and served four years as President George W. Bush's Health and Human Services secretary, has the broadest statewide name recognition of the candidates in the race for the seat of retiring Democratic Senator Herb Kohl.

## Governor Walker

His election bid is a test of whether Wisconsin voters will support a centrist Republican two years after Scott Walker was elected governor on pledges to slash taxes and spending, said Charles Franklin, a pollster and visiting professor of law and public policy at Marquette University School of Law in Milwaukee.

As governor, Thompson overhauled the welfare system and established a school voucher program, which he promotes to conservatives as accomplishments. Still, some of his past positions -- including expanding Medicaid spending as part of a state health-care overhaul and more school funding -- are anathema to some conservative groups and Republican voters.

"The party has shifted in the time since he left office," Franklin said.

## Leading the Field

Thompson led a field of Republican primary contenders in a March 31-April 1 Public Policy Polling survey, with 38 percent supporting him. Former U.S. Representative Mark Neumann, his closest opponent, had 25 percent. Neumann is backed by the Club for Growth and a political action committee run by Republican Senator Jim DeMint of South Carolina, a Tea Party leader.

Thompson had a narrow lead over U.S. Representative Tammy Baldwin, the only Democrat running

for the seat, in a March 26 Rasmussen survey. He had the support of 48 percent of 500 likely voters surveyed, while she received 44 percent.

In North Dakota, Heitkamp seeks to replace retiring Democratic Senator Kent Conrad in a likely contest against Republican U.S. Representative Rick Berg. As attorney general, she represented North Dakota and 12 other states in a lawsuit against tobacco companies that became part of a 1998 settlement.

Heitkamp has remained active in North Dakota politics in her years out of office. She has worked on three ballot initiatives, including one that required money from the national tobacco settlement to be used for tobacco cessation programs.

## **Ticket-Splitting**

Though she has a slight edge over her leading Republican opponent, Rothenberg said, Heitkamp faces risks because Obama won 42 percent of the 2008 vote in North Dakota. Heitkamp said in an interview that she's confident of her chances.

"North Dakota has always been a state that splits tickets and votes its interests," she said.

In Maine, former two-term governor King leads in polls in the race to fill the Senate seat of retiring Republican Olympia Snowe. In a March 31-April 2 survey by the Maine People's Resource Center, 56 percent of 993 registered Maine voters said they would vote for King over the next closest contender, Republican Charles Summers, who had 21.8 percent.

King is stressing his independence and highlights an abortion-rights, pro-environment agenda that helped keep Snowe in the Senate for three terms. Republican Governor Paul LePage's election in 2010 on the strength of the Tea Party movement doesn't reflect a lasting shift in voter sentiment to the right, King said in an interview.

He said he's working to connect with a younger generation of voters and adjusting to a changed world of campaigning that has him hiring a full-time aide just to manage Facebook and Twitter outreach for his election bid.

"I'm going to be asking people to vote for me who never have before, that's for sure," he said.

To contact the reporter on this story: Laura Litvan in Washington at [llitvan@bloomberg.net](mailto:llitvan@bloomberg.net)

To contact the editor responsible for this story: Jodi Schneider at [jschneider50@bloomberg.net](mailto:jschneider50@bloomberg.net)



**EXHIBIT D**

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## Crossroads GPS Demands Action to Stop Reckless Spending and ObamaCare in Three-State Ad Blitz

June 13, 2012 By [Crossroads GPS](#)

*Buys in Missouri, North Dakota, and Ohio total \$2 million; ads urge support of New Majority Agenda*

WASHINGTON –Crossroads Grassroots Policy Strategies (GPS) today announced new TV issue ads in Missouri, North Dakota, and Ohio – urging action to fight wasteful spending, government debt and ObamaCare. The ads, backed by a \$2 million total buy, continue Crossroads GPS's advocacy of its New Majority Agenda to fix the broken economy.

The new ads start today and will run for two weeks on broadcast and cable networks in Missouri, North Dakota, and Ohio. They can be viewed using the links below:

- The Missouri ad, titled "Spending," can be viewed [here](#).
- The North Dakota ad, titled "Change," can be viewed [here](#).
- The Ohio ad, titled "Cheap," can be viewed [here](#).

**"We're turning up the heat on Washington to fix the debt mess and stop President Obama's destructive health care takeover,"** said Nate Hodson, Crossroads GPS Director of State and Regional

**Media Relations. "These ads alert citizens to where policymakers stand and equip them to advocate for the practical solutions contained in the New Majority Agenda."**

The ads encourage viewers to support the "New Majority Agenda," which includes a plank on reducing the national debt. For more information about the six major policy initiatives detailed in the plan, visit [www.newmajorityagenda.org](http://www.newmajorityagenda.org).

###

*Crossroads GPS is a policy and grassroots advocacy organization that is committed to educating, equipping and mobilizing millions of American citizens to take action on the critical economic and legislative issues that will shape our nation's future in the years ahead.*

For more information or to arrange an interview, contact Nate Hodson at [nmhodson@crossroadsgps.org](mailto:nmhodson@crossroadsgps.org) or 202-370-6604.

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## Crossroads GPS Launches New TV Ad on Bob Kerrey's Support for the Wall Street Bailout

May 18, 2012 By [Crossroads GPS](#)

*Issue spot will run statewide in Nebraska with ad buy totaling \$260,000*

WASHINGTON – Crossroads Grassroots Policy Strategies (Crossroads GPS) today released a new issue ad exposing Bob Kerrey's support for the Wall Street bailout.

The spot, titled "Disturbing," begins airing today for a buy totaling \$260,000 in the Omaha, Lincoln, Scottsbluff, North Platte, Sioux City, IA, and Denver, CO markets. The new ad can be viewed here: <http://www.youtube.com/watch?v=ow5dQM Yaq0Q>

**"Bob Kerrey's support for the Wall Street bailout is contrary to the balanced budget Nebraskans deserve and expect,"** said Nate Hodson, Crossroads GPS Director of State and Regional Media Relations. **"This spot intends to alert Nebraskans to Bob Kerrey's support for the bailout and to hold him accountable for trying to use it to get richer while the national debt exploded."**

###

*Crossroads GPS is a policy and grassroots advocacy organization that is committed to educating, equipping and mobilizing millions of American citizens to take action on the critical economic and*

*legislative issues that will shape our nation's future in the years ahead.*

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Paid for by Crossroads GPS. [www.crossroadsgps.org](http://www.crossroadsgps.org)

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**EXHIBIT F**



11 of 127 DOCUMENTS

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The Associated Press State & Local Wire

May 2, 2012 Wednesday 3:02 AM GMT

**SECTION:** POLITICAL NEWS

**LENGTH:** 283 words

**HEADLINE:** Democratic candidate Bob Kerrey for US Senate

**BYLINE:** By The Associated Press

**BODY:**

**NAME:** Joseph Robert Kerrey

**AGE:** 68

**BORN:** Aug. 27, 1943, in Lincoln.

**POLITICAL PARTY:** Democrat

**RESIDENCE:** Omaha

**OCCUPATION:** Businessman

**EDUCATION:** Graduated from Lincoln's Northeast High School in 1962; from University of Nebraska with a pharmacy degree in 1966.

**MILITARY:** Enlisted in Navy in 1966, graduated from Officer Candidate School in Newport, R.I., and underwater demolition training, Coronado, Calif., in 1967. Volunteered for the Navy's SEALs special operations unit. Served in Vietnam in 1969. He directed an attack on a Viet Cong guerrilla group after losing part of his right leg in a grenade blast. Awarded the Medal of Honor.

**PROFESSIONAL EXPERIENCE:** Worked briefly as a pharmacist in Lincoln before going into the restaurant business in 1972 with his brother-in-law, Dean Rasmussen. Their business expanded into a chain of eight restaurants and three health clubs. President of The New School in New York City, from 2001 through 2010. Hired as executive chairman of Seattle-based educational software company Global Scholar last year.

**POLITICAL EXPERIENCE:** Active in student government at the University of Nebraska. Registered as a Republican for 14 years; switched to the Democratic Party in 1978. Defeated incumbent Republican Gov. Charles Thone by 7,000 votes in 1982. Did not seek re-election. Ran for the U.S. Senate in 1988, soundly defeating Republican Sen. David Karnes. Re-elected in 1994. Launched an unsuccessful bid for president in 1991, withdrawing after running out of money and failing to win much support in any early 1992 primary except South Dakota. Served on the Sept. 11 commission, which investigated the 2001 terrorist attacks.

**FAMILY:** Married to Sarah Paley; three children

**LOAD-DATE:** May 2, 2012



# EXHIBIT G

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## Crossroads GPS Launches Three-State Issue Advocacy Push

July 10, 2012 By [Crossroads GPS](#)

*Buys in Montana, Ohio, and Virginia total \$2.5 million; ads urge support of New Majority Agenda*

WASHINGTON –Crossroads Grassroots Policy Strategies (GPS) today announced a new TV issue ad effort in Montana, Ohio, and Virginia – urging action to fight wasteful spending, government debt and ObamaCare. Supported by a \$2.5 million total buy, the ads continue the ongoing effort by Crossroads GPS to advocate for the New Majority Agenda to fix the broken economy.

The new ads start today and will run for 10 days on broadcast and cable networks in Montana, Ohio, and Virginia. They can be viewed using the links below:

- The Montana ad, titled “Voice,” can be viewed [here](#).
- The Ohio ad, titled “Show,” can be viewed [here](#).
- The Virginia ad, titled “Ants,” can be viewed [here](#).

**“We’re keeping the pressure on Washington to quit the massive spending and stop President Obama’s disastrous health care takeover,” said Nate Hodson, Crossroads GPS Director of State and Regional Media Relations. “These spots encourage citizens push for the practical solutions found in the New Majority Agenda.”**

The ads encourage viewers to support the "New Majority Agenda," which includes planks on reducing the national debt and health care. For more information about the six major policy initiatives detailed in the plan, visit [www.newmajorityagenda.org](http://www.newmajorityagenda.org).

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- Ben Pershing  
Archive | Meet Ben

Posted at 03:45 PM ET, 07/10/2012

## Crossroads GPS targets Tim Kaine in new TV ad

By [Anita Kumar](#)

This post has been updated.

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- Va. Republican Party
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- Campaign Finance Reports
- Virginia Center for Politics

An outside group targeting U.S. Senate hopeful Tim Kaine (D) released a new TV ad in Virginia on Tuesday.

The ad by Crossroads GPS encourages viewers to support the "[New Majority Agenda](#)," a plan to reduce the national debt and boost the economy.

The \$1.1 million ad buy is part of an ongoing effort by the group. The ads started Tuesday and will run for 10 days on broadcast and cable networks in Virginia.

"We're keeping the pressure on Tim Kaine to stop supporting President Obama's massive spending which has maxed-out our credit cards," Crossroads spokesman Nate Hodson said. "This spot encourages citizens to push for the practical solutions found in the New Majority Agenda."

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Kaine's campaign did not immediately return a request for comment.

Update, 3:45 p.m.: "George Allen and his allies haven't met a partisan battle they didn't want to rehash, and the Recovery Act is no different," Kaine spokeswoman Brandi Hoffine said. "Independent economists, analysts, and even Virginia's Republican Governor have admitted the Recovery Act saved or created millions of jobs and helped balance Virginia's budget. This ad and George Allen's constant harping on a policy that even his own party admits helped families and businesses is exactly the type of hyper-partisanship voters are tired of in Washington."

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By [Anita Kumar](#) | 03:45 PM ET, 07/10/2012

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## Tim Kaine announces for Senate in Virginia

By Chris Cillizza, Published: April 5, 2011

Former Virginia Gov. Tim Kaine is running for the Senate in 2012. REUTERS/Jonathan Ernst Democratic National Committee Chairman **Tim Kaine** announced today that he would immediately resign his post to pursue a run for the open Senate seat in Virginia.

"I am writing to let you know that I have just announced my decision to run for the U.S. Senate from the Commonwealth of Virginia in 2012," Kaine wrote in an email to DNC members today. He called the move "an exciting next chapter for my family and me, as I embark down a new path."

Kaine's announcement is a major recruiting success for Senate Democrats who had worked hard to convince the former Virginia governor to make the race. It also sets up a potential battle of Virginia political titans as Kaine could well face off against former Sen. **George Allen** (R) in the general election.

Virginia Sen. **Jim Webb** (D) is retiring after a single term.

In a two-minute video put out by the campaign, Kaine touts his success during four years as governor — from 2005 to 2009 — but never mentions either President Obama or Kaine's tenure at the DNC, a telling sign of how he plans to run as a local candidate not a national one.

Republicans, of course, won't let him off that easily. "Over the last several years, Tim Kaine has been the most vocal cheerleader in Washington for the reckless fiscal policies and massive expansion of government that have been the hallmark of the Obama Administration," said National Republican Senatorial Committee communications director Brian Walsh.

Kaine's departure from the DNC leaves vacant that high profile post. An announcement on his successor is expected soon with Ohio Gov. **Ted Strickland** and Florida Rep. **Debbie Wasserman Schultz** seen as the frontrunners.

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